

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of INDIANA
Indianapolis Division

FILED

07/18/2024

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL
BANK;

and

TRANS UNION LLC (*settled and
dismissed*)

Defendants.

Case No. 1:22-cv-1993-TWP-MJD

Honorable Tanya Walton Pratt
Magistrate Judge Mark J. Dinsmore

OBJECTION TO COURT'S ORDER

Plaintiff, Joey Kimbrough, proceeding pro se, hereby files this Objection to the Court's Order dated June 11, 2024 [Dkt. 101], denying Plaintiff's *Notice of Unauthorized Practice of Law and Motion to Compel* [Dkt. 95]. This Objection is being filed to preserve the record for potential Appellate review. In support of this Objection, Plaintiff states as follows:

1. **Background:** On May 17, 2024, Plaintiff filed a Notice of Unauthorized Practice of Law and Motion to Compel, arguing that Defendant's Counsel, Elise K. Haverman, appeared in this case without being properly admitted to the United States District Court for the Southern District of Indiana. Plaintiff requested that the Court compel Ms. Haverman to

provide evidence of her admission or withdraw her appearance as counsel for Defendant American Express National Bank.

2. **Court's Order:** The Court denied Plaintiff's Motion as moot, stating that Ms. Haverman has complied with all local rules and requirements and has been properly admitted and authorized to practice law in this Court as of May 17, 2024.
3. **Objection:** Plaintiff objects to the Court's Order on the following grounds:

a. **Timeliness of Compliance:** The Court's Order does not address the specific timing of Ms. Haverman's compliance. The Motion filed by Plaintiff clearly indicated that Ms. Haverman's appearance on the record occurred before she had taken her Oath of Attorney. The Order should consider the period during which Ms. Haverman practiced without proper admission.

b. **Local Rule 83-5(a):** Plaintiff reiterates that Local Rule 83-5(a) requires that only members of the Court's bar may represent parties before the Court. There was a period during which Ms. Haverman was not compliant with this rule, which necessitates a detailed examination and response.

c. **Professional Conduct:** The Indiana Rules of Professional Conduct Rule 8.4(c) prohibit conduct involving dishonesty, fraud, deceit, or misrepresentation. By appearing in this Court without proper admission, Ms. Haverman engaged in professional misconduct, warranting further scrutiny and appropriate sanctions.

d. **Case Law:** In *United States v. Johnson*, 327 F.3d 554 (7th Cir. 2003), the 7th Circuit Court of Appeals held that unauthorized practice of law includes actions taken by individuals who are not admitted to practice law in the relevant jurisdiction but who nonetheless engage in activities reserved for licensed attorneys. This precedent underscores the importance of proper

licensing and compliance with local rules, reinforcing Plaintiff's position that Ms. Haverman's unauthorized practice warrants reconsideration and appropriate action by this Court.

4. **Requested Relief:** Plaintiff respectfully requests that the Court reconsider its Order and:
- a. Re-evaluate the compliance timeline of Ms. Haverman's admission and her subsequent appearances in this case.
 - b. Require Ms. Haverman to provide a detailed account of her admission timeline and activities related to this case.
 - c. Impose appropriate sanctions for the period during which Ms. Haverman practiced without proper admission.
 - d. Grant any other relief deemed just and proper by this Court.

WHEREFORE, Plaintiff respectfully requests that this Court grant this Objection, reconsider its Order dated June 11, 2024, and provide the relief requested above.

Respectfully Submitted,

/s/ Joey Kimbrough
Joey Kimbrough, Plaintiff, Pro Se
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Certificate of Service

I hereby certify that on July 18th, 2024, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court. Also, service was made on counsel by email:

Distribution:

All ECF-registered counsel of record

Respectfully Submitted,
/s/ Joey Kimbrough